UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Case No. 1:15-cv-05850-LGS
- - - - - - - - - - - - - - - - - - - -x
YUSIF ROBINSON,

Plaintiff,

-against-

CITY OF NEW YORK, TERRANCE WILLIAMS, RICHARD ALLISON, and HOIPING LEE,

Defendants.

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100 Church Street
New York, New York
April 26, 2016
10:10 a.m.

DEPOSITION of RICHARD ALLISON, one of the Defendants in the above-entitled action, held at the above time and place, taken before Arthur Hecht, a Shorthand Reporter and Notary Public of the State of New York, pursuant to the Federal Rules of Civil Procedure, and stipulations between Counsel.

* * *

R I C H A R D   A L L I S O N, called as a witness, having been first duly sworn, was examined and testified as follows:

EXAMINATION BY
MR. NEVILLE:

Q. What is your name?
A. Richard Allison.
Q. What is your business address?
A. One Police Plaza, New York, New York 10038.
Q. Detective, are you now retired?
A. Yes.
Q. How should I refer to you, retired detective or detective?
A. Retired.
Q. My name is Jim Neville, I'm an attorney. I represent Yusif Robinson in this lawsuit. I'm here to ask you some questions. If you have any question about my question, don't hesitate to ask me to repeat it. If anything isn't clear, ask me, and if you want to speak to your attorney at any time, feel free, I'll try

Allison

to get through this as quickly as possible.

How long were you with the New York City Police Department?

A. Twenty years.

Q. And when did you start?

A. I believe it was January 1995.

Q. And you're now retired?

A. Yes.

Q. When did you retire?

A. January 2015.

Q. Sir, did you review any documents having to do where the Yusif Robinson either criminal case or this civil case before today?

A. Yes.

Q. Were any documents discussed with you or read to you by someone else?

A. No.

Q. Did you look at any photographs?

A. No.

Q. Did you listen to any recordings?

A. No.

Allison

Q. Did you meet with your attorney, the City attorney?

A. Yes.

Q. How many times did you meet with him?

A. One time.

Q. Was anyone else present?

A. Well, actually, was Pete --

MR. PASSESER: By Counsel, there was another assistant Corporation Counsel present, Peter Fogarty.

Q. Were you employed in any way before being a New York City police officer, then detective?

A. Yes.

Q. Were you ever in the military?

A. Yes, I was.

Q. What branch or what was your --

A. I was active army, military police.

Q. When was that?

A. That was 1985 to 1988.

Q. Were you stationed overseas?

A. Overseas.

Allison

Q. Yes.

A. Yes.

Q. Who was that?

A. Well, it was during trial prep, it was probably in the District Attorney's office.

Q. Getting to that, you had meetings with the District Attorney or assistant District Attorney?

A. Yes.

Q. Do you know how many meetings you had --

A. No.

Q. -- with the District Attorney?

I'm first going to refer to the suppression hearing which I think took place on the 10th of September, 2014, do you recall testifying at the suppression hearing?

A. No.

Q. In the criminal case. It was before Judge Allen, Bruce Allen?

A. I don't recall.

Q. While you were at the police

Allison

academy initially, was there any training in terms of making an arrest, a lawful arrest?

A. Yes, we had training.

Q. Was there any training that a lawful arrest would include something called probable cause?

A. Yes.

Q. Do you recall what the definition is or what probable cause is?

A. Facts and circumstances that lead someone to believe someone's committing a crime or about to commit a crime.

Q. Now, you became specialized in narcotics cases, right?

A. I went into narcotics.

Q. And how long, how many years were you actually in narcotics?

A. Probably 17.

Q. Seventeen years?

A. Yes.

Q. And was that all in the same precinct or was that in different

Allison

precincts?

MR. PASSESER: Objection to form. You can answer.

A. Different precincts.

Q. What different precincts?

A. First was assigned to Manhattan north narcotics.

Q. How long were you there?

A. Approximately three years.

Q. What were those three years, if you remember?

A. I was an undercover.

Q. But what three years, from when to when?

A. '98 to 2001.

Q. And you say you were an undercover?

A. Yes.

Q. So you received specialized training on making believe that you're a drug purchaser?

MR. PASSESER: Objection to form, but you can answer.

A. We received training on

Allison

identification of drugs, on the roles played by drug dealers, how they conduct their operations, drug operations.

Q. As an undercover, though, did you play the role of a drug purchaser?

A. Yes, I did.

Q. Did you ever play the role of a drug seller as an undercover?

A. No, purchaser.

Q. In the academy, you received training on keeping a memo book, right?

A. Yes.

Q. What's the purpose of a memo book?

A. To keep what happened during the day or the day that you're working so you can refresh your memory.

Q. Are you obligated as a police officer or as a detective to keep a memo book?

MR. PASSESER: Objection to form. You can answer.

A. Yes, you are.

Q. Are you obligated to make

Allison

accurate recordings in the memo book?

A. Obligated to make recordings to the best of my knowledge.

Q. And what information are you required to include in the memo book?

MR. PASSESER: Objection to form. You can answer.

A. Time and date, location, persons involved, places where you go.

Q. Would you make a notation of arrests that you had involvement with?

A. Yes.

Q. As a police officer, you're not allowed to arrest anyone without probable cause, right?

MR. PASSESER: Objection to form. You can answer.

A. You arrest someone if you have probable cause.

Q. Would you agree that arresting someone without probable cause could violate that person's constitutional rights?

A. Yes.

Q. You were on the south side?
A. Correct, walking westbound. Walking westbound, I then observed Yusif Robinson and another male sitting on the steps of the Port Authority.
Q. Describe the other male.
A. He was a male Hispanic, and I remember he had, like, poofy hair, he had like a lot of hair.
Q. And what were these two men doing?
A. They were sitting on the steps talking, it appeared they were talking.
Q. Were they conducting a drug deal?
A. Did not look like they were conducting a drug deal.
Q. How many other people were on the steps of the Port Authority at this moment when you walked by and you say you saw Yuusif Robinson and this Hispanic male?
A. There probably were other people on the steps.

Allison

Q. From what you can remember, not probably, if you can remember, you can remember, if you can't, you can't.

A. I don't remember.

Q. How many other people?

A. There were, but I can't remember.

Q. This is the Port Authority about what time of day?

A. I believe this was around 6:30 p.m.

Q. On what day of the week?

A. Can I refer --

Q. Sure.

A. -- back to the paperwork? I believe -- well, according to the memo book, it was a Thursday, but it was September 12th.

Q. So it was a Thursday at about what time?

A. 6:30.

Q. Steps of Port Authority in New York City in Manhattan, right?

A. Let me just look back. Around

Allison

6:30.

Q. Didn't you say that you observed Yusif Robinson even earlier than 6:30?

A. I remember I saw him on the steps.

Q. How many times did you see Mr. Robinson on the steps?

A. I saw Mr. Robinson with the male Hispanic and I saw him with a male -- with a female Hispanic.

Q. What time did you see Mr. Robinson with the male Hispanic?

A. It could have been approximately 1830, 6:30.

Q. If you remember, not what could have been, don't guess. If you can't remember, you can't remember, but only answer if you can remember for sure.

A. If we're going back -- I can't remember the exact time, all I can do is go back from the paperwork that I reviewed.

Q. Okay, that's fine. So you say you saw Yusif Robinson twice, once with a

male Hispanic, right?
A. Correct.
Q. And once with a female Hispanic, right?
A. Yes.
Q. What did the female Hispanic look like?
A. She had long hair, a ponytail and a white shirt
Q. And again, this is between six, 6:30 p.m. on a Thursday in September at Port Authority, right?
A. Correct.
Q. How many other people were on the steps of Port Authority?
A. There were people on the steps.
Q. How many?
A. I can't give you that answer.
Q. Two others?
MR. PASSESER: Objection to form.
A. No, there were more than two.
Q. How many more?
A. I can't -- I can't give you --

Allison

all I can do is guess, I can't tell you how many were on the steps.

Q. I don't want you to guess.

A. Well, I can't tell you.

Q. Is it fair to say that there would have been many people on the steps of the Port Authority on a Thursday between six and 6:30 p.m.?

MR. PASSESER: Objection to form. You just said you didn't want him to guess.

A. It depends on the time of day. I've been to Port Authority where there's been a few people.

Q. At six or 6:30, people on a Thursday, would you call that rush hour?

A. It was probably rush hour.

Q. Port Authority in New York City, right?

A. Yes.

Q. There were many people on the steps, right?

MR. PASSESER: Objection to the form.

Allison

what did you do?

A. I stopped and I watched Yusif Robinson.

Q. For how long?

A. I don't remember.

Q. Was this on the same set of steps at Port Authority where you had seen Yusif Robinson previously?

A. I believe.

Q. And what time was this, the second time you saw Yusif Robinson?

A. I didn't look at my watch, sir, I don't remember what time it was.

Q. Well, was it five minutes later?

A. Sir, I don't know what time it was.

Q. An hour later?

A. It was before seven o'clock.

Q. Why do you say that?

A. Because I believe the arrest time was around seven o'clock.

Q. How long did you watch Yusif Robinson the second time when he was, as you say, talking to the female Hispanic,

Allison

how long did you linger there?

A. A couple of minutes.

Q. Do you mean two minutes or do you mean a few minutes, what do you mean by a couple of minutes?

A. I'd say two minutes.

Q. What did you see?

A. Just saw him speaking to the female Hispanic.

Q. What was he saying?

A. I couldn't hear that.

Q. Was there any traffic or noise?

A. I wasn't close enough to hear any conversation, sir.

Q. Did you see any gesturing, did you see any hand movements?

A. No.

Q. What about Yusif Robinson stood out so you observed him not once but twice before you ended up arresting him?

A. What stood out is I saw him the first time, and I don't expect people to stay on the stairs that long, so I left the location and I came back and he was

Allison

there still now talking to another individual.

Q. So he must have been selling drugs?

MR. PASSESER: Objection to the form. You can answer.

A. I don't know if he was selling drugs at that time, sir.

Q. Did you observe him make what you thought was a drug sale?

MR. PASSESER: At what time?

Q. At that time, the second time you see him.

A. No.

Q. With the female Hispanic.

Describe the female Hispanic again, please.

A. She had looked like a ponytail, long hair and a ponytail and a white shirt.

Q. Did she look like a drug user to you?

A. Yes, she did.

Q. What does that mean?

Allison

A. She looked disheveled.

Q. Well, explain disheveled.

A. Just not well kept.

Q. Be more specific.

A. I think I'm being pretty specific, she's not well kept. I don't remember her having any type of bag or anything, just being on her own, not carrying anything, and just speaking to Yusif Robinson.

Q. What was she wearing?

A. A white shirt and her hair was in a ponytail.

Q. And you saw this from across 42nd Street?

A. Yes.

Q. And you observed these two people for a couple of minutes, you said?

A. Approximately two minutes.

Q. And then what did you do?

A. I then continued on doing observations for the undercover.

Q. So again, during the time that you lingered and watched Yusif Robinson

Allison

for the second time with the female Hispanic, you were not watching your undercover?

A. No.

Q. So again, take us to the next step.

A. And I remember walking eastbound on 42nd Street, now on the south side.

Q. So you crossed again?

A. Yes.

Q. Where did you cross?

A. I don't recall.

Q. When did you cross? After the time you observed Yusif Robinson the second time with the female Hispanic, how much time passed before you crossed 42nd Street again?

A. I don't remember, sir.

Q. Did your undercover cross 42nd Street, is that why you crossed?

MR. PASSESER: Objection to the form. You can answer.

A. Possible.

Q. But you don't remember?

Allison

of 42nd Street that Yusif Robinson had been both times that you say you saw him, right?

A. Yes.

Q. When you cross from the north side of 42nd to the south side after you had seen, you say, you saw Yusif Robinson the second time, where was Yusif Robinson?

A. He was now on the north side, I'm on the south side.

Q. So according to your testimony, sir, Yusif Robinson has now crossed 42nd Street from the south side to the north side?

A. I didn't see him cross, though.

Q. But you saw him on the north side?

A. Yes.

Q. You had seen him twice on the south side?

A. Yes.

Q. So logic would indicate he had crossed the street even though you didn't see him do it?

Allison

A. Yes.

Q. So now you are on 42nd Street heading eastbound on the south side of 42nd and you see, do you look to your left and you see Yusif Robinson over on the north side?

A. I looked to the left.

Q. What direction was Yusif Robinson walking?

A. He was walking eastbound.

Q. So he's walking in the same direction you are?

A. Yes.

Q. What did you do?

A. I then crossed the street, I crossed over to the north side.

Q. Where did you cross?

A. He was walking, on the north side there's a Burger King and then there's a deli and a parking lot, like a paved parking lot, and I saw him walking with Leon Carter eastbound closer to the Burger King, and then when he got probably close to the parking area, I then crossed

Allison

the street.

Q. What caused you to cross the street towards Yusif Robinson?

A. I see him walking with this individual, and I'm saying, you know what? I'll just -- I'll follow him and see what's going to happen.

Q. So tell us what happened.

A. I cross the street, and I'm walking behind them.

Q. How far behind them?

A. Approximately -- it was at different -- different distances, so it took me a little time to catch up to them.

Q. Did you run to catch up with them?

A. I probably briskly walked.

Q. Did you report to any of your fellow officers what you were doing?

A. Yes.

Q. Who did you report to?

A. I was putting over the radio mainly to the supervisor.

Q. What did you say over the radio?

Allison

A. That I have a possible, a possible.

Q. So you crossed 42nd Street from the south side to the north side, right?

A. Yes.

Q. And you're heading west.

A. Heading east now.

Q. Heading east, I'm sorry, okay. And you're following Yusif Robinson?

A. Correct.

Q. What's the closest distance you got to Yusif Robinson before you arrested him?

A. Right behind him at the corner of 42nd Street and Eighth Avenue, it was the northwest corner.

Q. Describe that scene. You said you were very close to him at that northwest corner, 42nd and Eighth.

A. Yes, he's at the northwest corner and he's standing with Leon Carter, Leon Carter's to his right, and they then -- and then Leon Carter has money in his left hand. They're next to each this.

[A recess was taken.]

Q. When you were following Leon Carter and Yusif Robinson, Leon Carter had money in his left hand, you said, you stated that your team members, some of your team members were behind you and to your left or to your right?

A. I thought I said when I crossed over that they were to my right.

Q. And someone said over the radio this is going to be good?

A. Something like that.

Q. And then what happened?

A. They're crossing over --

Q. They meaning --

A. Leon Carter and Yusif Robinson, crossed Eighth -- 42nd Street and they're going southbound now on the east side of Eighth Avenue.

Q. On the east side of Eighth Avenue?

A. Correct, right, so they get -- they're at 42nd Street, and they're

Allison

walking, and Leon Carter and Yusif Robinson are almost, they're, like, shoulder to shoulder, they're walking next to each other.

Q. And where are they right now exactly?

A. They're walking southbound, they're coming up on four-one street.

Q. So they're on Eighth Avenue, they're on the east side of Eighth Avenue --

A. On the east side, right.

Q. And they're walking south?

A. Yes.

Q. And they're walking shoulder to shoulder?

A. They're next to each other.

Q. And how far behind them are you at this point?

A. About ten feet behind them.

Q. What happens?

A. Leon Carter puts his hand down, his hand's cupped like this, he puts his hand down, and Yusif Robinson in a motion

Allison

goes down like this, it looks like he put a small object in Leon Carter's left hand and then he takes the money out of Leon Carter's left hand.

Q. So you say that Leon Carter put his hand down, cupped his hand, can you show, you put it under the table, I couldn't see.

A. Like this.

Q. So his palm was facing up and his fingers like in an ergonomic, his fingers were bent, was he holding the money?

A. He was holding the money.

Q. This is in his left hand?

A. His left hand.

Q. Could you see what the denominations were?

A. No.

Q. And then you say that Yusif Robinson did what?

A. Yusif Robinson with his right hand looks like he put something small in Leon Carter's left and he takes the money

Allison

with his right hand.

Q. You couldn't see what you say Yusif Robinson put in Leon Carter's hand?

A. No.

Q. Then what happens?

A. I come up, I put over the radio that it's a positive, I come up from behind Yusif Robinson, I say police, don't move, and he makes a motion to his left like he's going to run, and I come up and I bear hug him and I take him down to the ground. When I take him down to the ground -- before I -- actually, let me back up, before I take him down to the ground, he takes the money in this motion and he throws it like this.

Q. That would be with his right hand?

A. With his right hand, right.

Q. You were behind Yusif Robinson, you said you bear hugged him.

A. From his torso, I wrapped his torso.

Q. So his arms were free?

Allison

A. Yes.

Q. You were trying to subdue Yusif Robinson at this point?

A. He made a motion like -- like he was going to dip to the left after I said police, don't move, and I was, like, he's going to run, and I grabbed him.

Q. Did you tackle him?

MR. PASSESER: Objection to form.

A. I believe I used enough force to bring him down, I don't believe I hurt him.

Q. I'm not asking if you hurt him, I'm asking if you like a football tackle, you wrapped your arms around his body and you brought him to the ground?

MR. PASSESER: Objection to the form.

Q. Is that what you said?

A. Yes, I did.

Q. But you say that you wrapped your arms around his torso and that both of his arms were free when you brought him to the ground?

A. I remember grabbing him in this motion, but I remember his arm going like this, and he throws the money, and I told Detective Lee grab the money.

Q. When did you tell Detective Lee to grab the money?

A. As he's throwing it.

Q. Is that --

A. After he threw it.

Q. Is that as you're bringing Yusif Robinson to the ground, in the same moment?

A. No, it was probably afterwards, but I remember I grabbed, I grabbed Yusif Robinson, he throws the money and I take him to the ground. And I say get the money, Lee, I told Lee get the money, and Yusif Robinson's now on the ground and he's got his arms under his chest, he wouldn't give me his arms, and then Detective Lee came over and we had to struggle to get his arms out from underneath him.

Allison

Q. And then what happened?

A. Then Leon Carter continued going southbound, and members of the field team rushed passed us, and they ran after him and I believe it was Detective Miller, Detective Vargas and Detective Regina and they ended up apprehending Leon Carter.

MR. PASSESER: Off the record.

[Discussion held off the record.]

MR. NEVILLE: What was the last question and answer.

[The requested portion of the record was read.]

Q. You say you observed Yusif Robinson throw money when you were arresting him, right?

A. Yes.

Q. What did you see? Be specific, when you say throw money, what did you actually see?

A. It looked like two U.S. currency bills.

Q. There were two bills?

Allison

A. Correct.

Q. Your testimony is they turned out to be two $10 bills?

A. I believe that was my testimony, two $10 bills.

Q. It wasn't one $20 bill?

A. Two $10 bills.

Q. You're sure about that?

A. That's what I testified to.

Q. Who recovered the money?

A. Detective Lee.

Q. Did you search Yusif Robinson after you apprehended him?

A. I don't believe I searched him. I don't remember searching him, I remember the arresting officer searched him.

Q. Who was the arresting officer?

A. Well, it was PO Williams at the time, but it's Detective Williams.

Q. And what happened after you apprehended Yusif Robinson and I assume you put your handcuffs on him?

A. I'm not sure if it was me or Detective Lee that handcuffed him. I know

Allison

he was resisting, and he was putting his arms under his body, he was laying on his arms and he wouldn't give them to us, but I don't remember if it was I or Detective Lee, but either case, we helped each other.

Q. Was Yusif Robinson saying anything as you were tackling him and apprehending him?

MR. PASSESER: Objection to form.

A. Not that I remember.

Q. And what happened after Yusif Robinson was subdued?

A. Leon Carter was arrested.

Q. But what did you do?

A. I was there, the field team showed up, Lieutenant Courtein showed up, PO Williams showed up, I think they were in a car, and they started the arrest processing, the searching and the process of taking personal property and putting them in an envelope.

Q. You had nothing to do with that

Allison

process?

A. I don't believe so.

Q. What did you do after that process started?

A. I don't remember, I might have left the area. I don't believe I stuck around.

Q. Officer Williams, at that time he was Officer Williams, he was the arresting officer in the case, right?

A. Yes.

Q. Which means he had the responsibility to do all the paperwork in the case, right?

A. Yes.

MR. PASSESER: Objection to the form.

Q. Is that right?

A. Not all the paperwork.

Q. Well, what does an arresting officer do?

A. He's the arresting officer, but other members of the field team assist him in the paperwork.

Allison

Q. But is he responsible to gather all the paperwork and essentially be the collector of all the paperwork in the case as arresting officer?

A. Yes.

Q. Did you speak with Officer Williams and explain to him what happened?

A. Yes, I did.

Q. So Officer Williams wasn't with you when you arrested Yusif Robinson, right?

A. At that point, no.

Q. So Officer Williams took your word as to what happened?

A. Yes.

Q. And Officer Williams then wrote up information which was then given to the District Attorney's office, right?

MR. PASSESER: Objection to form.

A. Eventually, the information would be given to the District Attorney.

Q. So you gave Officer Williams